REMARKS/ARGUMENTS

In response to the above-identified Office Action, Applicants respectfully request reconsideration in view of the aforementioned amendment and the following remarks.

Claims 6, 7, 9-12, 25-28 are rejected in the application. Applicants amend claims 6 and 10-12. applicants submit that no new matter is added herein as amendments to claim 6 are supported at least by claim 12; paragraphs [0004]-[0007], [0056] and [0063]; and FIG. 1 which shows the pump at a high gravitational point; and FIG. 2 which shows a compressor at a low gravitational point.

I. Claim Rejections - 35 USC § 102

The Examiner rejects Claims 6-7, 10-12, 25, 27 and 28 under 35 U.S.C. 102(a) as being anticipated by U.S. Publication No. 2003/0205364 to Sauciuc et al. (Sauciuc). Claims 6-7, 9-12, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,497,625 to Manz et al. (Manz). Applicants reserve the right to attribute any invention disclosed but not claimed in Sauciuc, in accordance with MPEP § 716.10. It is axiomatic that to be anticipated every limitation of a claim must be disclosed in a single reference.

Applicants disagree with the rejection above of claim 6 for at least the reason that the references do not disclose "orienting a pump or a compressor without regard to a gravitational location of a heat source coupled to the pump or compressor; determining a presence of a threshold amount of fluid that is within a pump or a compressor; and condensing vapor of the fluid as it is present in the pump or evaporating liquid of the fluid as it is present in the compressor", as required by amended claim 6.

Embodiments described in the specification of the present application, without limitation thereto, describe orienting a pump or a compressor without regard to a gravitational location of a heat source coupled to the pump or compressor; determining a presence of a threshold amount of fluid within pump 110 or compressor 210; and condensing vapor of the fluid as it is present in pump 110 or evaporating liquid of the fluid as it is present in compressor 210 (see Figures 1 and 2 of the application).

In the rejection above, the Patent Office relies upon the position that a "pumpless" apparatus that moves fluid reads on the claims because "The specification does not enable pump to be anything more than an apparatus that moves a fluid, as

there are no moving parts or identifiable pumping members excluding the pump itself, disclosed." Applicants do not disagree.

In addition, by including the claimed orienting a pump or a compressor without regard to a gravitational location of a heat source coupled to the pump or compressor, embodiments described in the specification of the present application, for example, without limitation thereto, provide the benefits of overcoming the problems generally associated with the orientation of pumps or compressors within a system (see at least paragraphs [0004]-[0007], [0056] and [0063] of the application; FIG. 1 showing a liquid pump located above a heat source of the system with respect to gravity, and FIG. 2 showing a vapor compressor located below a heat source of the system with respect to gravity). However, the cited references do not describe the claim limitations noted above, or any of these resulting benefits.

Instead, Sauciuc teaches that orientation, gravitational forces, and Level of liquid coolant 30 are the factors dictating the operation of apparatus 10 (see Sauciuc Abstract, "gravity" vector shown in FIGs. 1-3; and paragraphs [0024], [0026] and [0030]).

Similarly, Manz is dependent upon system orientation and gravitational forces (see Manz col. 3, lines 19-28 and lines 40-46).

Thus, the cited references do not describe or enable independent claim 6.

II. Claim Rejections – 35 USC § 103

The Patent Office rejects claims 9 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Sauciuc in view of U.S. Publication No. 2002/0162339 to Harrison et al. (Harrison). For a claim to be obvious each limitation of that claim must be taught by at least one properly combined reference.

Applicants disagree for at least the reason that, as noted above, Sauciuc does not teach the limitations of claim 6 from which claims 9 and 26 depend.

Harrison fails to cure the deficiencies of the other references. Harrison teaches using thermoelectric cooler 2 to cool a vapor to a condensation point (see paragraph 12). However, the Patent Office has not identified and Applicants are unable to find any teaching in Harrison of the above-noted limitations of claim 6.

Any dependent claims not mentioned above are submitted as not being anticipated or obvious, for at least the same reasons given above in support of their base claims as well as any limitations of these dependent claims.

Hence, Applicants respectfully request the Patent Office withdraw all of the rejections above.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Dated: 9/25/08

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office electronically via EFS Web on the date shown below.

Jessica Huester — 9/25/08
Jessica Huester — Date